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EXAMINER
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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte PATRICK R. GUIDO, PAUL F. MCMAHAN,
and ROBERT C. LEAH

_____

Appeal 2009-007672
Application 10/814,551
Technology Center 2100

_____

Before LANCE LEONARD BARRY, HOWARD B. BLANKENSHIP, and
JEAN R. HOMERE, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL[1]

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[1] The two-month time period for filing an appeal or commencing a civil
action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing,
as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE"
(paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery
mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-28, which are all of the claims in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

Appellants' invention relates to windows in a GUI environment grouped by a user into one or more affinity groups. When one of the windows in the affinity group receives window focus, all of the windows in the affinity group shift to a z-order level above windows not in the affinity group. Affinity groups are formed by the user by dragging and dropping windows into a window group icon on a group member window or by entering window group keystroke combinations into the windows to be grouped. Abstract.

Representative Claim

1.   A method of associating windows generated by different applications in a GUI environment into one or more affinity groups by a user and accessing the windows as a group, comprising:

providing a GUI environment including a plurality of windows;

establishing, by a user, a first affinity group comprising a subset of two or more but less than all of said plurality of windows in said GUI environment, said first affinity group including windows associated with at least two different,

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independent applications, such that the windows comprising
said first affinity group are related; and

raising a z-order of windows in said first affinity group
above other windows in said GUI environment when any one
window in said first affinity group is selected.

Examiner's Rejections

Claims 1-5, 10-22, and 25-28 stand rejected under 35 U.S.C. § 103(a)
as being unpatentable over Ashe (US 5,995,103) and Diedrichsen (US
5,920,313).

Claims 6-9, 23, and 24 stand rejected under 35 U.S.C. § 103(a) as
being unpatentable over Ashe, Diedrichsen, and Malamud (US 5,694,561).

Claims 6-9, 23, and 24 stand rejected under 35 U.S.C. § 103(a) over
Ashe, Diedrichsen, and Haynes (US 2005/0198585 A1).

Claim Grouping

In view of Appellants' arguments in the Appeal Brief, we will decide
the appeal on the basis of claim 1. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

Have Appellants shown that the Examiner erred in finding that the
combination of Ashe and Diedrichsen teaches a "group including windows
associated with at least two different, independent applications" as recited in
claim 1?

FINDINGS OF FACT

We rely on the findings of fact made by the Examiner in the Final Rejection and Examiner's Answer.

PRINCIPLES OF LAW

Claim Interpretation

During examination, claims are to be given their broadest reasonable interpretation consistent with the specification, and the language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). The Office must apply the broadest reasonable meaning to the claim language, taking into account any definitions presented in the specification. *Id.* (citations omitted).

Obviousness

"What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 419 (2007). "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* at 416.

ANALYSIS

Appellants contend that the combination of Ashe and Diedrichsen does not teach a "group including windows associated with at least two different, independent applications" as recited in claim 1. Appellants contend that the claimed applications are different in that they are not the

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same application, and are independent in that they are not logically or functionally related. App. Br. 6. Appellants further contend that the windows in Diedrichsen are not independent because they are logically or functionally related in a parent/child relationship. App. Br. 10-12.

The Examiner finds that Diedrichsen teaches a group including windows associated with at least two different applications. Ans. 4. The Examiner further finds that reading the phrase "independent applications" in light of Appellants' Specification (Ans. 18), the applications of Diedrichsen are independent (*id*. at 22).

Appellants respond that although Appellants' Specification gives an example of independent applications that are related to the same task or operation (Reply Br. 2), the applications are independent in that they are not logically or functionally related to each other (*id*. at 3).

Appellants' Specification states that:

> A well-known advantage of a GUI environment is that it allows a user to simultaneously work with multiple, disparate applications, each running in a separate window. For example, Figure 2 depicts a GUI environment of a user preparing a report. . . . In this case, the Internet browser in window 36, the e-mail client in window 38, and the word processor in window 40 are all related to the same task or operation-namely, writing a report. According to the present invention, the user may create an affinity group comprising the windows 36, 38, 40 . . . .

Spec ¶ [0014].

Diedrichsen teaches that:

> Many applications make use of several user interface objects, typically windows and icons, that are related logically. Such objects are often child objects of a main or parent window object. Different applications *can also be* organized into groups of applications, each of which are related by function.

Col. 1, ll. 60-65 (emphasis added).

Diedrichsen presents the teaching of different applications, related by function and organized into groups, as an alternative to the teaching of windows related logically, in a parent and child relationship. Therefore, Appellants' arguments that the teachings of Diedrichsen are limited to parent and child applications are unpersuasive. We find that Diedrichsen teaches organizing different applications, related by function (rather than as parent and child), into groups. We further find that the term "independent applications," when read in light of Appellants' Specification, encompasses different applications that are related by function as taught by Diedrichsen.

Appellants have not provided arguments for separate patentability of claims 2-28. Claims 2-28 thus fall with claim 1.

CONCLUSION OF LAW

Appellants have not shown that the Examiner erred in finding that the combination of Ashe and Diedrichsen teaches a "group including windows associated with at least two different, independent applications" as recited in claim 1.

DECISION

The rejection of claims 1-5, 10-22, and 25-28 under 35 U.S.C. § 103(a) as being unpatentable over Ashe and Diedrichsen is affirmed.

The rejection of claims 6-9, 23, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Ashe, Diedrichsen, and Malamud is affirmed.

The rejection of claims 6-9, 23, and 24 under 35 U.S.C. § 103(a) over Ashe, Diedrichsen, and Haynes is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

<u>AFFIRMED</u>

msc

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